

LINCOLN/LANCASTER COUNTY PLANNING STAFF REPORT

P.A.S.: Change of Zone #3376

DATE: September 16, 2002

PROPOSAL: To change the zone from R-2, Residential to H-3, Highway Commercial so the applicant can operate a furniture refinishing business on the south half of the lot at 210 NW 14th Street.

LAND AREA: 8,470 square feet, more or less.

CONCLUSION: The commercial district/use encroaches into the residential district and is not in conformance with the goals and objectives of the Comprehensive Plan.

RECOMMENDATION:

Denial

GENERAL INFORMATION:

LEGAL DESCRIPTION: South ½ of Lot 9, Block 15, Woods Brothers Lakeview Acres, located in the SW 1/4 of Section 21-10-6.

LOCATION: Generally located 330 feet north of West "O" Street and NW 14th Street.

APPLICANT: Ron and Rose McMahan
210 NW 14th Street
(402)475-5511

OWNER: Same

CONTACT: Same

EXISTING ZONING: R-2, Residential

EXISTING LAND USE: Single family residential

SURROUNDING LAND USE AND ZONING:

North:	Single family housing	R-2, Residential
South:	Commercial	H-3, Highway Commercial
East:	Single family housing	R-2, Residential
West:	Single family housing	R-2, Residential

COMPREHENSIVE PLAN SPECIFICATIONS: General Principles for All Commercial and Industrial Uses indicates that: “New or established commercial uses should not encroach upon, or expand into, existing neighborhoods”. (Page F 41)

Guiding Principles for Existing Commercial Centers calls to: “maintain and encourage retail establishments and businesses that are convenient to, and serve, neighborhood residents, yet are compatible with, but not intrusive upon residential neighborhoods.” (Page F 49)

The 2025 Comprehensive Plan indicates that there should be a “transition of uses; less intensive office uses near residential areas”. (Page F 21)

The 2025 Comprehensive Plan indicates that NW 14th Street is a local road. Local roads are “lower order facilities that essentially serve as a conduit between abutting properties and higher order streets. Local streets provide the lowest level of mobility and generally exhibit the lowest traffic volumes” (Page F 105).

HISTORY: This area was zoned A-2, Single Family Dwelling District until the 1979 zoning update when the zone was changed to R-2, Residential.

TRAFFIC ANALYSIS: NW 14th Street is a residentially paved local street with 27' of paving.

ALTERNATIVE USES: Continue to use the property as residential and operate a home occupation as allowed by the Lincoln Municipal Code 27.70.010.

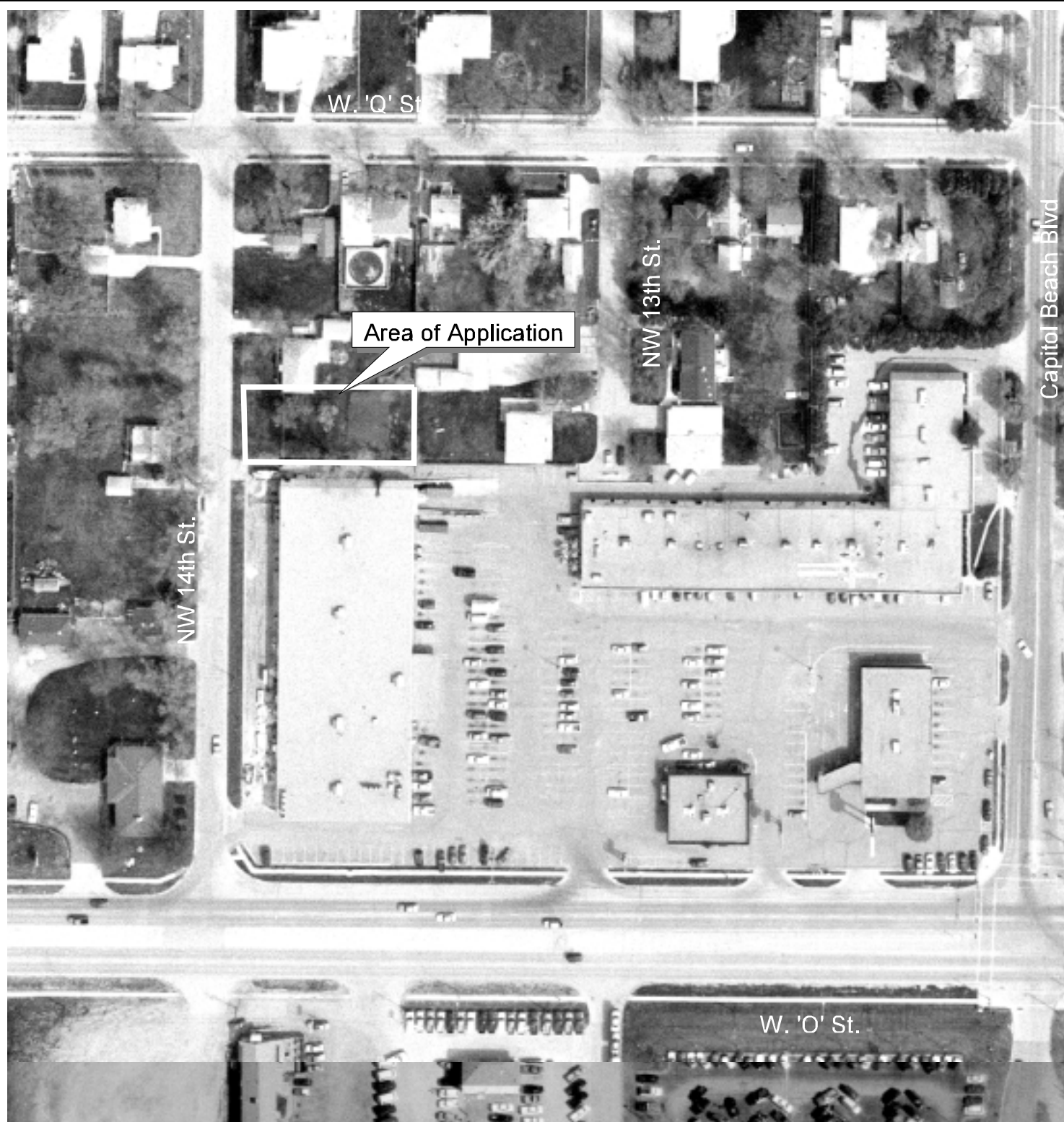
ANALYSIS:

1. The applicants propose to split zone Lot 9, Block 15 Woods Brothers Lakeview Acres (R-2, Residential and H-3, Highway Commercial), presumably so that they may live on the north half of the lot and operate a furniture refinishing business on the south half of the lot. LMC 27.81.010(d) indicates that *“every building hereafter erected or structurally altered shall be located on a lot as herein defined and in no case shall there be more than one main building on one lot except as otherwise provided in Chapters 27.65 and 27.71”*. This application does not qualify for any exceptions provided in 27.65 or 27.71. If re-zoned, the zoning must to be for the entire lot, or the lot subdivided.
2. Once a property is re-zoned, any of the permitted uses of the district are allowed. Permitted uses in the H-3, Highway Commercial district include uses which may have various noise and air pollution incompatibilities with the residential neighborhood. Title 27 indicates that the H-3, Highway Commercial district is for areas of “low-density commercial uses requiring high visibility and/or access from major highways”. This property does not have access to a highway or an appropriately designed road for commercial uses.

3. The H-3, Highway Commercial district is not appropriate in this location as it encroaches into the residential neighborhood. The 2025 Comprehensive Plan is clear that commercial uses should not encroach into residential neighborhoods, should be screened and new areas be buffered by less intensive uses, such as low density office.
4. The proposed commercial area is not an appropriate extension of the existing commercial center. The existing grocery store and strip commercial area are oriented to the south and east away from the residential area and area of the proposed change of zone. There is not any proposed connection between the two commercial uses for access or parking.
5. The only street access to this property is NW 14th Street which is a 27' wide residential street. The City of Lincoln Design Standards require 33' of paving (no parking) or 39' of paving (with parking) for commercially used local roads. NW 14th Street is not designed for commercial traffic.
6. The Public Works & Utilities Department indicated that there is no water main in NW 14th Street. A commercial use may require the construction of a public water main to provide adequate fire protection and water service.
7. The applicant may operate a home occupation under the LMC 27.70.010 provided he meets the conditions.

Prepared by:

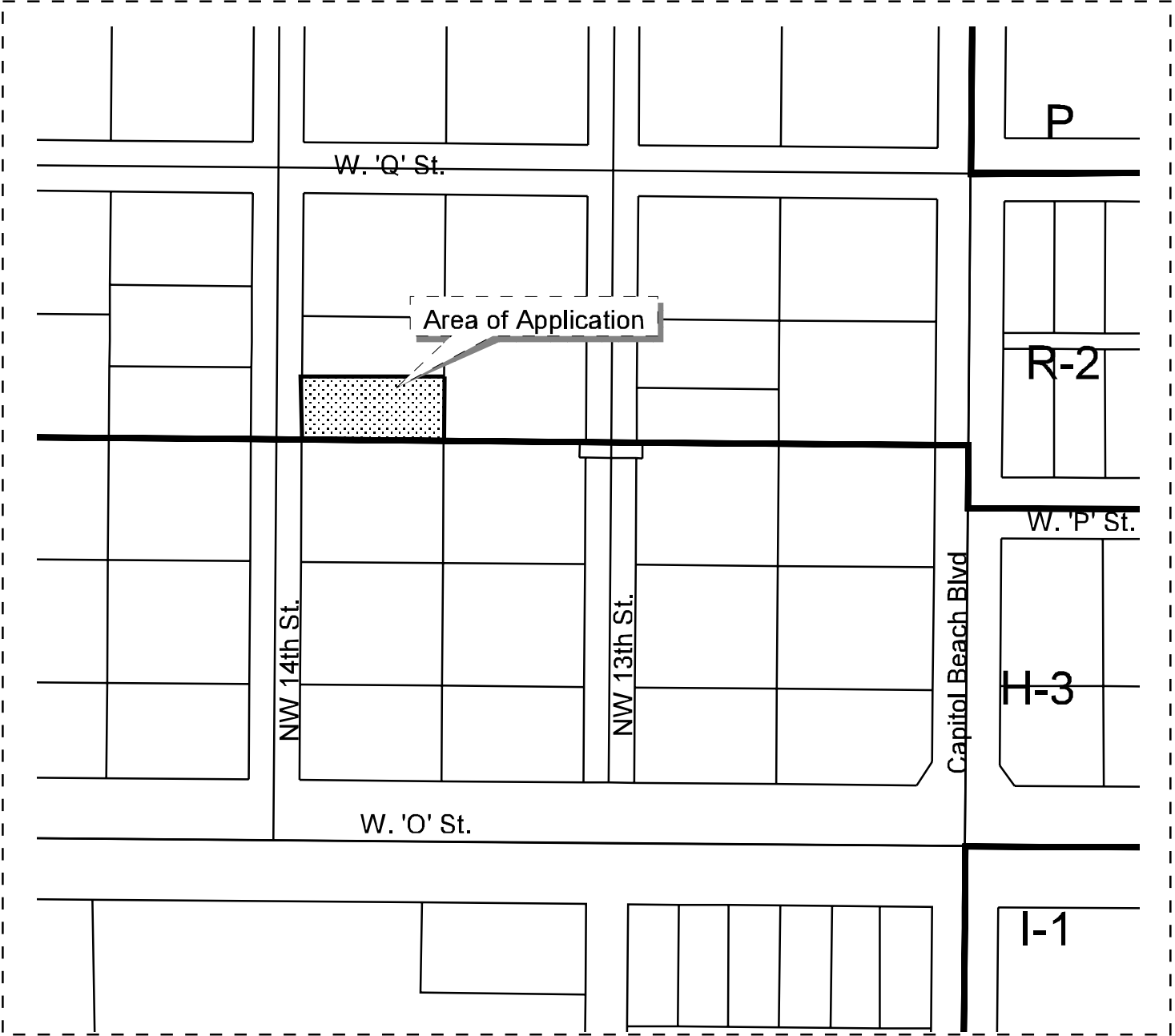
Becky Horner
Planner



**Change of Zone #3376
NW 14th & W. 'O' St.**



Photograph Date: 1997

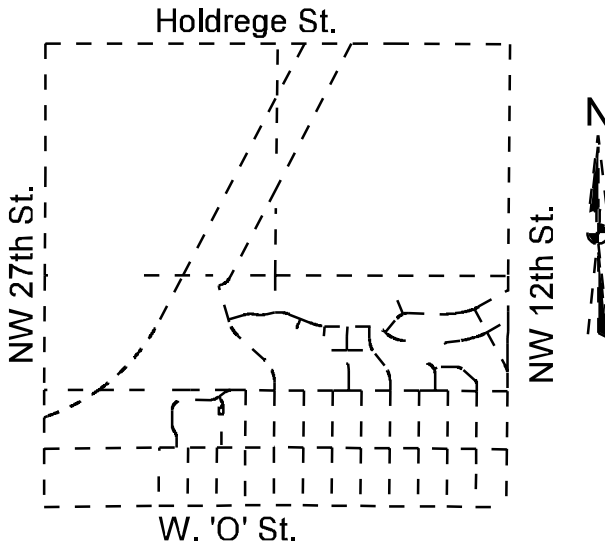
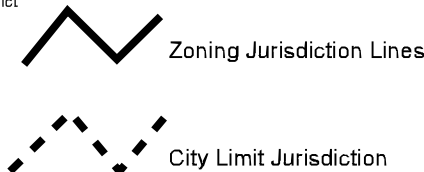


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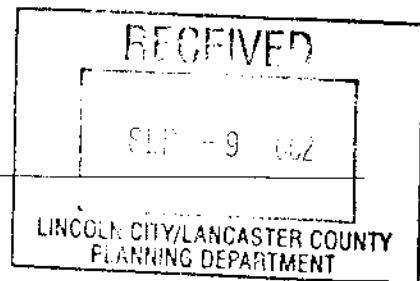
Zoning:

- R-1 to R-8 Residential District
- AG Agricultural District
- AGR Agricultural Residential District
- R-C Residential Conservation District
- O-1 Office District
- O-2 Suburban Office District
- O-3 Office Park District
- R-T Residential Transition District
- B-1 Local Business District
- B-2 Planned Neighborhood Business District
- B-3 Commercial District
- B-4 Lincoln Center Business District
- B-5 Planned Regional Business District
- H-1 Interstate Commercial District
- H-2 Highway Business District
- H-3 Highway Commercial District
- H-4 General Commercial District
- I-1 Industrial District
- I-2 Industrial Park District
- I-3 Employment Center District
- P Public Use District


One Square Mile
 Sec. 21 T10N R6E



M e m o r a n d u m



To: Becky Horner, Planning

From:  Dennis Bartels, Public Works and Utilities

Subject: Change of Zone, R2 to H3, 210 Northwest 14th Street

Date: September 6, 2002

cc: Randy Hoskins
Nicole Fleck-Tooze
Nick McElvain

Engineering Services has reviewed the proposed change of zone from R2 to H3 at 210 Northwest 14th Street and has the following comments:

1. There is no water main in Northwest 14th Street. A commercial use may require the construction of a public water main to provide adequate fire protection and a water service. Sewer exists abutting this lot.
2. Northwest 14th Street is paved to a residential standard width of 27' between West Q and West O Street.